

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

*Plaintiff,*

*STATEMENT OF THE DEFENDANT  
WITH RESPECT TO SENTENCING  
FACTORS*

**VS.**

Case No. 19-CR-206-A

SHELBY GARIGEN,

*Defendant,*

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***James C. DeMarco III, Esq, affirms under penalty that:***

1. That I represent the Defendant Shelby Garigen in regard to the above referenced matter brought against the Defendant by the United States of America.
2. That this affirmation is made in accordance with the requirements set forth in the Sentencing Guidelines more specifically “Statement of the Defendant with Respect to Sentencing Factors” as promulgated by the United States Sentencing Commission.
3. I have met with the Defendant and I have reviewed with the Defendant the content of the Presentence Report in its entirety.
4. After meeting with the Defendant and thoroughly reviewing the Presentence Report there are no statements, conclusions or other information contained in the report which the Defendant disputes. To that end, the Defendant accepts the terms as set forth in the Presentence Report.

5. The Defendant hereby request that the court advise her about any and all information which the court may consider in whole or in part which may negatively impact the Defendant in which the Defendant had no prior notice from the Presentencing Report. Included in this request is any communication with any Unite States Probation Officer.

6. That the Defendant shall provide this court with a Sentencing Memorandum focusing on the factors set forth in 18 U.S.C 3553(a) in support of her request for a sentence outside of the advisory guideline range.

**DATED:** Buffalo, New York  
March \_\_, 2020

Respectfully submitted,

/s/ James C. DeMarco III, Esq.  
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